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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,727	05/11/2001	Toshinobu Kawasaki	208490US2	5218
22850	7590	08/04/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEWIS, MICHAEL A	
			ART UNIT	PAPER NUMBER
			2655	
			DATE MAILED: 08/04/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/852,727

**Applicant(s)**

KAWASAKI ET AL.

**Examiner**

Michael A Lewis

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04,05 &amp; 07</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims <sup>1-21</sup>~~1-19 & 21~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Buchner et al. (US20020069063A1).

Regarding claim 1, Buchner et al. disclose a voice control system for operating home electrical appliances, said system comprising: a home agent server (HAS) adapted to be installed in a house and connected to the home electrical appliances for controlling the operation of the same (Abstract, Fig 4); a microphone and a speaker linked to said home agent server through an in-house network (Fig 4(2)); a voice recognition means which recognizes a user's voice request received at the microphone, a transaction processing program (TP) executable at the HAS to manage the home electrical appliances (Fig 4(1); Fig 1(7));, said TP program having an instruction interpreting module which prepares

from the voice request a particular instruction indicating a destined appliance and a method for controlling the destined appliance, and provides an output command for controlling the destined appliance in accordance with the particular instruction(Fig 1(3,4,8)).

Regarding claim 2, Buchner et al. disclose a output command is a control signal which controls the destined appliance for control thereof (Page 2, Paragraph 0028).

Regarding claim 3, Buchner et al. disclose the said TP program is written into a mobile agent program which is capable of moving from the HAS to a local computer terminal included in the destined appliance in response to said output command such that it can be executed thereat for control of the destined appliance (Fig 5, Page 4, Paragraph 0046,0049).*[Buchner et al. describes a wireless network where each of the device has a transmitter and receiver which implies the use of a mobile agent.]*

Regarding claim 4, Buchner et al. disclose the said TP program includes a migration module which analyzes the particular instruction to seek an associated address of said destined appliance, and moves the TP program itself to the local computer terminal of said destined appliance (Fig 5, Page 3, Paragraph 41).

Regarding claims 5 & 13, Buchner et al. disclose the said TP program includes a voice recognition module defining said voice recognition means(Fig 5, Page 3, Paragraph 41).

Regarding claims 6 & 14, Buchner et al. disclose that one of said TP program and said HAS includes: a text composer module providing a text associated with a particular control of the electrical appliance; and a speech synthesis module which converts the text into a voice message to be issued from said speaker for confirmation of the acceptance of the user's voice request and/or the completion of the requested control(Page 2, Paragraph 28 – 31).

Regarding claims 7 & 15, Buchner et al. disclose the said HAS is provided with a communication interface for linking the HAS to said in-house network as well as to an outer information network such as the Internet for intercommunication with other sites linked through the information network, said HAS further including an address list storing addresses of the appliances and sites which are sought by the MAP running on the HAS to designate a destined appliance or site where an intended process demanded by the user's request is to be executed, said migration module allowing to move the MAP itself to the destined appliance or site for execution of the MAP thereat to achieve the intended process demanded by the user's request(Page 6, Paragraphs 71 - 73, Page 7, Paragraph 82).

Regarding claim 8, Buchner et al. disclose the said HAS is linked to a plurality of human presence sensors which are adapted to be installed in different rooms of the house so as to provide a detection signal indicative of a particular one of the rooms where the user is present, one of said TP program and said HAS further including a room locating module which identifies the particular room with reference to the detection signal, and instructs to issue the voice message from the speaker belonging to thus identified room(Page 6, Paragraphs 53,60).

Regarding claim 9, Buchner et al. disclose the one of said TP program and said HAS further includes a voice locating module which judges a place of the user issuing the user's voice request received at the microphone, and instructs to issue the voice message from the speaker belonging to the thus located place (Page 6, 69).

Regarding claim 10, Buchner et al. disclose the said HAS includes a personal information table storing a relation between individual users and the appliances allocated to be accessible by the individual users, said TP program further including: a user identification module which identifies a particular user from the user's voice request, an access permission module which selects the appliance allocated to the identified user with reference to the personal information table and limits the TP program to the execution for the allocated appliance(Page 4, Paragraph 46).

Regarding claim 11, Buchner et al. disclose the said system includes a plurality of dedicated transaction processing (TP) programs which are allocated respectively to individual users for limiting one or more of the appliances accessible by the users, said HAS including a user identification module which identifies the user from the user's voice request, selects one of the dedicated TP programs allocated to the identified user, and allows the dedicated TP program to be executed (Page 4, Paragraph 47).

Regarding claim 12, Buchner et al. disclose the said system includes a plurality of dedicated transaction processing (TP) programs which are allocated respectively to individual users for limiting one or more of the appliances accessible by the users, said HAS including a user identification module which identifies the user from the user's voice request, selects one of the dedicated TP programs allocated to the identified user, and allows the dedicated TP program to move to the destined appliance so as to be executed thereat (Page 4, Paragraph 47).

Regarding claim 16, Buchner et al. disclose the said system further includes a personal computer equipped with a display in addition to the microphone and the speaker, said personal computer being linked to the HAS through the in-house

network for transmitting the user's request received at the microphone to the TP program running on the HAS, said TP program having a function of transmitting the text provided by said text composer module to the display of the personal computer (Page 2, Paragraph 0028;Page 5, Paragraph 0064 – 0066).

Regarding claim 17, Buchner et al. disclose the said HAS has a phone interface to a public telephone network for intercommunication with a mobile phone, said mobile phone carrying a specific transaction processing (TP) program which is a mobile agent program capable of moving from the mobile phone to said HAS or said local computer terminal to be executable thereat, said specific TP program, when running on the mobile phone, accepting a user's voice request at the mobile phone for managing said appliances, said specific TP program including: a voice recognition module which recognizes a user's voice request received at the mobile phone, an instruction interpreting module which prepares from the voice request a particular instruction indicating a destined appliance and a method for controlling the destined appliance; and a migration module which, in response to the particular instruction, moves the specific TP program to said HAS or said local computer terminal for achieving the method for the destined appliance(Fig 7b; (Fig 5, Page 4, Paragraph 0046,0049)). *[Buchner et al. describes a wireless network where the speech unit is a network that can be wireless. This implies the use of a mobile phone with a processor and memory that can store a program.]*



Regarding claim 18, Buchner et al. disclose the said microphone and speaker are mounted in a switch box which is installed in the house (Fig1, Fig 6(70)).

Regarding claim 19, Buchner et al. disclose the said microphone and speaker are mounted in a ceiling receptacle installed in the house for connection with a lighting fixture (Page 3, Page 39). *Suggests in Fig. 6* [Buchner et al. ~~disclose~~ that the microphone and speaker can be located anywhere in the home].

Regarding claim 20, Buchner et al. disclose that the microphone and speaker are mounted in a lighting fixture defining the home electrical appliance (Page 4, Paragraph 0050)[*Bucher describes the use of the speech unit consisting of a microphone and speaker can be placed anywhere within the home which may include mounting it into a lighting fixture.*]

Regarding claim 21, Buchner et al. disclose the said HAS is packed into a home information and power distribution center which is provided with: a distributor connected between a utility line and in-house branched power lines leading to the appliances; a telephone interface for connection between a in-house telephone line and a public telephone network; and an information interface for connection between an in-house information network and an external information

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network, said in-house network being realized by said power lines which allows the output command to be transmitted therethrough (Fig 6).

### **Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Buchner	U.S. Patent (6535854)
Howard et al.	U.S. Patent (6513006)
Tarr et al.	U.S. Patent Application (20010034205A1)
Humpleman et al.	U.S. Patent (6198479)
Johnson et al.	U.S. Patent (6580950)
Sewada et al.	U.S. Patent (6735619)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A Lewis whose telephone number is 703 305-8730. The examiner can normally be reached on Monday through Friday, 8:30 am – 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (703)305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

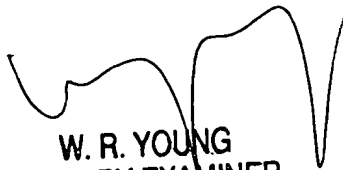
Lewis A Michael

Examiner

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7/25/2004

  
W. R. YOUNG  
PRIMARY EXAMINER